

APR 22 2009

UNITED STATES DISTRICT COURT

TONY R. MOORE, CLERK  WESTERN DISTRICT OF LOUISIANA  
BY \_\_\_\_\_ DEPUTY

LAFAYETTE DIVISION

SUSAN POE

CIVIL ACTION NO. 08-0703

VERSUS

JUDGE DOHERTY

THE SPECTRA GROUP, INC., ET AL.

MAGISTRATE JUDGE HILL

**MEMORANDUM RULING AND ORDER**

Pending before this Court is the "Memorandum in Response to Court's Ruling and Order Denying Leave to File Third Party Demand" [Doc. 21] filed by Clark Construction Inc. of Mississippi ("Clark Construction") on April 7, 2009. Clark Construction filed its response by invitation of the Court, after this Court denied Clark Construction's Motion for Leave of Court to File a Third Party Demand for defense and indemnity against Fontenot's Asphalt Services [Doc. 18], a non-party to this suit, because it appeared the deadline for joinder of parties/amendment of pleadings in this matter was June 23, 2008. Therefore, this Court ruled the motion was untimely, however, the Court permitted Clark Construction to show good cause why the Court should permit addition of the new party. In making the foregoing determination, however, this Court relied on the docket report issued by the Clerk of Court, which incorrectly states the deadline date for joinder of parties/amendment of pleadings. The actual deadline for joinder of parties and amendment of pleadings in this matter is June 22, 2009. Therefore, as Clark Construction points out in the instant response brief, its original Motion for Leave to File a Third Party Demand against Fontenot's Asphalt Services, Inc. was timely filed. The Clerk of Court has been notified of the error contained in the docket report and has taken steps to correct the problem.

Considering the foregoing,

IT IS ORDERED that the decision of this Court contained in the March 27, 2009 Memorandum Ruling and Order [Docs. 19 & 20] is VACATED, and Clark Construction's Motion for Leave to File a Third Party Demand against Fontenot's Asphalt Services, Inc. [Doc. 18] is GRANTED.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 22 day of April 2009.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE